

ED_BIAGINI_SUBDIVISION_(08-04)

Mr. Jonathan Cella appeared before the board for this proposal.

MR. ARGENIO: Ed Biagini. This application proposes subdivision of the 2.68 plus or minus acre parcel into three single family residential lots. The plan was previously reviewed at the 27 February, 2008 planning board meeting. Mark, I know we've seen this at least twice, at least twice, at least twice if it's the same one I'm thinking of.

MS. BIAGINI: I'm Ed's daughter, Emily, he couldn't make it.

MR. ARGENIO: If it's the same one I'm thinking of I think we've seen this at least twice, maybe I've seen it a dozen times and I'm tired of seeing it on my notes.

MR. CELLA: I have it was last here February, 2008 at which time we got a referral to the ZBA and we've got, to refresh you guys, it's a 3 lot subdivision of 2.7 acres zoned R1, the lots will be serviced by individual wells and septic and they all front on Little Brook Court.

MR. ARGENIO: For the benefit of the members, can you please trace for us the lines of the original lot, simple as it was one big L-shaped lot.

MR. CELLA: Yeah, it's an L.

MR. ARGENIO: Now you have three lots?

MR. CELLA: Yeah.

MR. VAN LEEUWEN: Who are you, sir?

MR. CELLA: I'm Jonathan Cella from Zimmerman Engineering.

MR. ARGENIO: Go ahead, Mr. Cella.

MR. CELLA: So in the February meeting you guys referred us to the zoning board at which time we went back and we designed the septic systems and we got the variances granted on October 27, 2008, we needed a lot area variance for all three lots, lot width for lot 1 and 2 and the front yard and side yard setback for lot number 1 and they gave us all of them.

MR. ARGENIO: Is there a plan here that has proposed houses? So you have an existing foundation on lot 1 which I assume predates the subdivision?

MR. CELLA: Well, we had a building permit, we have a building permit for lot number 1, there's an open permit on that.

MR. VAN LEEUWEN: Which is now lot number 1?

MR. CELLA: Correct.

MR. BABCOCK: It was for the entire lot.

MR. CELLA: Yes, it was for the entire lot and he put the foundation in and then we started the subdivision.

MR. ARGENIO: So you have a variance too from the zoning for the foundation location on lot 1?

MR. CELLA: Yeah, we got a front yard and side yard setback, the side yard the eastern side yard.

MR. ARGENIO: Why is the septic field for lot 1/5 of the size of the other two septic fields?

MR. CELLA: That was designed by another consultant and

MR. CELLA: They're about half an acre.

MR. ARGENIO: I don't think anybody's knotted up about that but I'll tell you I did sit on this board quite a few years ago when not only did an irate citizen come to this planning board and bang her hand on the table in front of me cause her septic field didn't work because the design was substandard or the installation was substandard, she came to my home, my house where I live with my kids and she knocked on my door and stalked me at my home because there was a problem with the foundation, so not the foundation but the septic, just want to make sure that it's going to work, it's important, it's very important, I think that's why Henry was asking the question he was asking.

MR. SCHLESINGER: Relative to that, Mark, the septic system could be outside of the setback line?

MR. EDSALL: Yes.

MR. BABCOCK: Yes, the buildable area line.

MR. SCHLESINGER: Yes.

MR. EDSALL: Has to be at least 10 foot from the property line, Mr. Chairman, you're concerned about the septic?

MR. ARGENIO: You've said exactly what I said here, I'm concerned there's significant disparity between the size of the system for lot 1 and those of lots 2 and 3.

MR. EDSALL: Again, we've all lived through the failures of various systems and no matter who designed it the complaint always comes to the Town of New Windsor so I'm very concerned that there's--

MR. BABCOCK: Who designed for lot 1?

we're showing that on the map.

MR. ARGENIO: Have you verified the design is appropriate?

MR. CELLA: That was approved.

MR. ARGENIO: Your name is on these plans.

MR. CELLA: The design was approved as part of the issuing of the building permit by the New Windsor Building Department.

MR. VAN LEEUWEN: How many years ago?

MR. CELLA: I have a note on here it was designed in February, 2007.

MR. ARGENIO: Let me just share with you.

MR. VAN LEEUWEN: What's the perc there, excuse me. What's the perc there?

MR. BABCOCK: Seventeen.

MR. EDSALL: They don't provide any information for lot 1.

MR. CELLA: Yeah, we do we have nine minutes.

MR. VAN LEEUWEN: That's awful good for Beaver Dam Lake.

MR. ARGENIO: Henry, we're over on Toleman Road right down the road from your property going towards, let me just share with you, I think the spirit of what you're trying to achieve here is if my memory serves me is congruent with the neighborhood that's out there already. Am I right, Michael, aren't all the lots typically about the same?

MR. CELLA: All right, would you guys be in agreement if we redesigned it?

MR. ARGENIO: Here's what I think should happen.

MR. BABCOCK: It's not installed, right?

MR. CELLA: No.

MR. ARGENIO: Whatever you're going to do there you should get with Mark and make sure that he's okay with the percs and the design of the system.

MR. EDSALL: I think the answer is to just upgrade that to make sure it's right so we don't have a problem.

MR. ARGENIO: Are you guys okay with that? I think we should do that, I think it's smart because you probably do get the complaints but we get them and it's not right.

MR. CELLA: We're coming tonight to request a public hearing and could we get that contingent on approval of that system?

MR. ARGENIO: Can you get what?

MR. CELLA: A public hearing after we get the--

MR. VAN LEEUWEN: Well, we didn't vote on that yet.

MR. ARGENIO: Quite frankly, I think that typically the public when they come are not looking at septic systems.

MR. EDSALL: Normally, you want the information there but it would be fair to authorize it.

MR. BABCOCK: We don't set the date for the public

hearing, we authorize a public hearing. You'll need to get all that straightened out with Mark before we put you on for a public hearing.

MR. ARGENIO: I'm concerned, I'm reading from Mark's comments, I'm concerned the potable water line from the well to residence on lot 2 crosses a storm water pipe and easement, appropriate details of protection must be shown on the plan. Disposition of the drainage easement should on the plan must be reviewed with the highway super and attorney for the town, that's Michael Blythe. The easement contains private and public improvements. I'm not going to go through this, you have to get with Mark and work these things out.

MR. EDSALL: Just for the record, I did meet with the highway superintendent and the guidance as it may be that I need as to how he wants to handle it.

MR. ARGENIO: So you can share it?

MR. EDSALL: Yes.

MR. ARGENIO: If anybody sees fits, I'll accept a motion to declare ourselves lead agency.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare itself lead agency under the SEQRA process. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I think we should have the public hearing on this, Neil or Henry, do you guys have any thoughts?

MR. SCHLESINGER: Yes, I think we should have a public hearing.

MR. GALLAGHER: Yes.

MR. VAN LEEUWEN: I don't know, I'll go along with everybody else.

MR. ARGENIO: You can make your own independent decision and as I said earlier, they are congruent with the other lots in the area so it's not like the standard he's being held to is any different than any other parcels that are out there and I think it's fair and reasonable and equitable. So Mark?

MR. VAN LEEUWEN: I know some of the people that live out there they're not all that well put together but okay.

MR. CELLA: We did have a public hearing with the zoning board in October.

MR. VAN LEEUWEN: How many people were there?

MR. CELLA: Enough.

MR. ARGENIO: What's that tell you, Henry?

MR. VAN LEEUWEN: You told the truth.

MR. ARGENIO: To his credit. Mark, is it reasonable that we can get this septic thing worked out then schedule the public hearing, is that, can we do that?

MR. EDSALL: Yeah, if you authorize a public hearing, I'll work it out with him.

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MR. ARGENIO: Yeah, I'll accept a motion that we authorize that subject to those plans being cleaned up to Mark's satisfaction.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded we schedule a public hearing for Biagini. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Sir, thank you for coming in.